

HOUSE BILL No. 1283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-14; IC 22-4-18-8; IC 35-43-5-4.7.

Synopsis: Restricting public assistance for illegal aliens. Requires a law enforcement agency to: (1) cooperate with the United States Department of Homeland Security concerning illegal aliens; (2) upon arresting an individual suspected of being an illegal alien, attempt to verify the legal status of the individual and notify the individual, the attorney general, and the United States Department of Homeland Security that the individual is suspected of being an illegal alien. Provides that an individual may not receive certain categories of public assistance, benefits for publicly funded health care, or certain health care services from publicly funded hospitals or health care facilities unless the individual is legally present in the United States. Requires a state educational institution to verify the legal status of each student. Prohibits: (1) a state educational institution from admitting or permitting attendance of an individual who is an illegal alien; and (2) an agency from issuing or renewing a license, permit, or any other official authorization to an illegal alien. Requires each employer in the state to verify to the department of workforce development by October 1, 2007, that each employee of the employer is a legal resident of the United States, and establishes an ongoing duty to verify the same concerning each new hire. Establishes a civil penalty equal to the total payroll of the employer for the calendar month previous to the violation for an employer's failure to verify an employee's resident status. Makes immigration forgery a Class C felony.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1283

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-110.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 110.8. "Illegal alien", for**
4 **purposes of IC 12-14-8.5, has the meaning set forth in**
5 **IC 12-14-8.5-1.**

6 SECTION 2. IC 12-7-2-122.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2007]: **Sec. 122.3. "Law enforcement**
9 **agency", for purposes of IC 12-14-8.5, has the meaning set forth in**
10 **IC 12-14-8.5-2.**

11 SECTION 3. IC 12-7-2-152.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2007]: **Sec. 152.5. "Public assistance", for**
14 **purposes of IC 12-14-8.5, has the meaning set forth in**
15 **IC 12-14-8.5-3.**

16 SECTION 4. IC 12-14-2.5-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. Except as provided**

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1 **in IC 12-14-8.5**, a person who is classified as a refugee (as defined in
 2 8 U.S.C. 1101) is eligible for all services under this article as if the
 3 person were classified as a citizen of the United States.

4 **SECTION 5. IC 12-14-8.5 IS ADDED TO THE INDIANA CODE**
 5 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 6 **JULY 1, 2007]:**

7 **Chapter 8.5. Restrictions on Public Assistance to Illegal Aliens**

8 **Sec. 1. As used in this chapter, "illegal alien" means an**
 9 **individual who:**

- 10 (1) is present in the United States;
 11 (2) is not a citizen or national of the United States; and
 12 (3) is not a qualified alien as defined in 8 U.S.C. 1641(b).

13 **Sec. 2. As used in this chapter, "law enforcement agency" means**
 14 **an agency or a department of any level of government the principal**
 15 **function of which is apprehending criminal offenders. The term**
 16 **includes the office of the inspector general established by**
 17 **IC 4-2-7-2.**

18 **Sec. 3. As used in this chapter, "public assistance" means**
 19 **benefits, assistance, or coverage provided by any of the following:**

- 20 (1) The office of the secretary of family and social services
 21 established by IC 12-8-1-1.
 22 (2) The department of child services established by
 23 IC 31-25-1-1.
 24 (3) The state department of health established by
 25 IC 16-19-1-1.
 26 (4) A township trustee providing township assistance under
 27 IC 12-20.

28 **Sec. 4. A law enforcement agency shall fully cooperate with the**
 29 **United States Department of Homeland Security regarding an**
 30 **individual who is arrested if the individual is suspected of being an**
 31 **illegal alien.**

32 **Sec. 5. If a law enforcement agency arrests an individual who is**
 33 **suspected of being an illegal alien, the law enforcement agency**
 34 **shall do the following:**

- 35 (1) Attempt to verify the legal status of the individual as:
 36 (A) a citizen of the United States;
 37 (B) an alien lawfully admitted as a permanent resident;
 38 (C) an alien lawfully admitted for a temporary period that
 39 has not yet expired; or
 40 (D) an illegal alien.

41 **In verifying the legal status of an individual under this**
 42 **subdivision, the law enforcement agency may question the**

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individual regarding the individual's date and place of birth and date of entry into the United States and request documentation of the individual's legal status and any other information necessary to verify the individual's legal status. (2) Notify the individual of the individual's suspected status as an illegal alien and inform the individual that the individual must:

- (A) prove the individual's legal status;
- (B) obtain legal status; or
- (C) leave the United States.

(3) Notify the attorney general and the United States Department of Homeland Security of the suspected status of the individual as an illegal alien and provide additional information concerning the individual that may be requested by another public entity.

Sec. 6. A municipality, a county, a legally authorized governmental entity with jurisdictional boundaries, or a law enforcement agency may not take any legislative, administrative, or other action to prevent or limit the cooperation that this chapter requires of an individual.

Sec. 7. (a) An individual may not receive any public assistance for which the individual is otherwise eligible unless the individual's legal status has been verified as one (1) of the following:

- (1) A citizen of the United States.
- (2) An alien lawfully admitted as a permanent resident.
- (3) An alien lawfully admitted for a temporary period that has not yet expired.

(b) Except for emergency medical care that is required to be provided under federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly funded health care.

(c) Except for emergency medical care that is required to be provided under federal law, an individual may not receive health care services from a publicly funded hospital licensed under IC 16-21 or IC 16-22 or health care facility (as described in IC 16-28-13-0.5) for which the individual is otherwise eligible unless the individual's legal status has been verified as one (1) of the following:

- (1) A citizen of the United States.
- (2) An alien lawfully admitted as a permanent resident.
- (3) An alien lawfully admitted for a temporary period that has not yet expired.

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(d) This section shall not be construed to prohibit an illegal alien from receiving charity care (as defined in IC 16-18-2-52.5).

Sec. 8. (a) A state educational institution (as defined in IC 20-12-0.5-1) may not admit, enroll, or permit the attendance of an individual who is not:

- (1) a citizen of the United States;
- (2) an alien lawfully admitted as a permanent resident; or
- (3) a person who is otherwise authorized under federal law to be present in the United States.

(b) Each state educational institution shall verify the legal status of each individual enrolled or in attendance at the institution at the beginning of each term or semester.

Sec. 9. An agency (as defined in IC 4-1-7.1-1) may not issue or renew a license, a permit, or any other official authorization to an individual who is not:

- (1) a citizen of the United States;
- (2) an alien lawfully admitted as a permanent resident; or
- (3) a person who is otherwise authorized under federal law to be present in the United States.

Sec. 10. A provision of this chapter that violates federal law is void.

SECTION 6. IC 22-4-18-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Each employer within Indiana shall verify to the department by October 1, 2007, in the manner prescribed by the department, that each employee of the employer is a legal resident of the United States.

(b) An employer shall verify to the department that each employee the employer hires is a legal resident of the United States. An employer shall provide the verification required by this section:

- (1) not later than five (5) days after the employer hires a new employee; or
- (2) upon hiring an employee who was formerly in the employment of the employer.

(c) An employer that:

- (1) fails to satisfy the verification requirements of subsection (a) or (b); or
- (2) falsifies a verification under subsection (a) or (b);

is subject to a civil penalty equal to the total payroll for the employer for the calendar month previous to the violation. Civil penalties collected under this section shall be deposited in the state general fund.

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1 SECTION 7. IC 35-43-5-4.7 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 4.7. A person who, with the intent to conceal the true**
4 **citizenship or resident alien status of any person:**

5 **(1) makes or utters a written instrument that purports to have**
6 **been made:**

7 **(A) by a person other than the person who made the**
8 **instrument;**

9 **(B) at a time other than the time when the instrument was**
10 **made;**

11 **(C) with provisions different from the provisions of the**
12 **instrument as they were when the instrument was made;**
13 **or**

14 **(D) by the authority of one who did not authorize the**
15 **making of the instrument; or**

16 **(2) possesses an instrument described in subdivision (1);**
17 **commits immigration forgery, a Class C felony.**

18 SECTION 8. [EFFECTIVE JULY 1, 2007] **IC 35-43-5-4.7, as**
19 **added by this act, applies only to crimes committed after June 30,**
20 **2007.**

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